IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1114 OF 2006
IN
APPEAL NO. 1041 OF 1998

Badruddin Nazir Ahmed Khan ..Appellant
versus
Ahssam Usman Rain & Ors. ..Respondents

Mr. Mr. R. Mishra for the Appellants.
None for the Respondents.

CORAM : DR. S. RADHAKRISHNAN &
S. J. VAZIFDAR, JJ.
DATE : 13TH APRIL, 2006

P.C. :

. Heard learned counsel for the Appellants. None appears for the Respondents. Learned counsel for the Appellants undertakes to file Affidavit of Service within one week. This Notice of Motion is taken out for recalling the order of dismissal dated 27.3.2006. Perused the Affidavit in Support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling the order dated 27.3.2006. There is no case of inaction, negligence and want of bonafide on the part of the Appellants. Hence, Notice of Motion is made absolute in terms of prayer clause (a). Notice of Motion disposed of accordingly.

(DR. S. RADHAKRISHNAN, J.)

(S. J. VAZIFDAR, J.)